THE HONOURABLE SRI JUSTICE

A.GOPAL REDDY

W.P.No.6502 of 2006

Dt.03-04-2006

Between:

A.Madhusudan Rao

..petitioner

and

The Andhra Pradesh State Wakf Board rep.by its

Chief Executive Officer, Nampally, Hyderabad.

..Respondent.

THE HONOURABLE SRI JUSTICE

A.GOPAL REDDY

W.P.No.6502 of 2006

Oral Order:

Cancellation of the lease was subject matter of writ petition No.4024 of 2006 earlier wherein this Court disposed of with a direction to the petitioner to approach the Wakf Tribunal constituted under Section 83 of the Wakf Act and directed to maintain *status quo* for a period of three weeks. Pursuant to the same petitioner filed O.A.No.7 of 2006 before the Wakf Tribunal questioning the cancellation of the lease and also filed I.A. for suspension of the cancellation of lease. On ordering notice in the said I.A. present writ petition is filed questioning the cancellation of the lease deed dated 15-02-2006 as modified on 18-02-2006.

In view of the law declared by the Apex Court in ***BMRDA*** vs. ***GOKAK PATEL VOLKART*** when the cancellation of lease is the subject matter of O.A. before the Wakf Tribunal, writ petition for the same relief cannot be entertained, except directing the appellate authority or the Tribunal, as the case may be, to dispose of the appeal or stay petition. Since the petitioner apprehends eviction, as the cancellation has not bee suspended, it is the responsibility of the Tribunal to consider the stay petition at an early date. Petitioner is at liberty to file advancement petition, on filing such petition Tribunal shall pass appropriate orders.

Writ petition is accordingly disposed of. No costs.

_____ A.GOPAL REDDY, J.

03-04-2006

Murthy